

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-cv-157-D

DIJON SHARPE,)	
)	
Plaintiff,)	
)	
v.)	
)	
TOWN OF WINTERVILLE POLICE)	
DEPARTMENT, Officer WILLIAM)	JOINT MOTION TO AMEND SCHEDULING ORDER
BLAKE ELLIS, in his official)	
capacity only, and Officer MYERS)	
PARKER HELMS IV, both)	
individually and in his official)	
capacity,)	
)	
Defendants.)	

Plaintiff, DIJON SHARPE, and Defendants TOWN OF WINTERVILLE POLICE DEPARTMENT, OFFICER WILLIAM BLAKE ELLIS, and OFFICER MYERS PARKER HELMS IV (*hereinafter*, the “Parties”), pursuant to Local Civil Rules 6.1 and 7.1(j) and through undersigned counsel, hereby move to amend the Scheduling Order (Docket Entry 22, entered Mar. 25, 2020) to extend the unexpired deadlines therein by one hundred (100) days. In support, the Parties submit the following:

1. Defendants filed a Partial Motion to Dismiss on February 3, 2020, which was briefed by counsel for both parties and submitted to the Court for consideration on March 10, 2020. (*See* Dkt. Text. Mar. 10, 2020). On July 2,

2020, the Court entered an order setting the motion for hearing on July 9, 2020 at 10:00 am. (DE 25). At Defendants' request, made due to a prior conflict, the Court continued the hearing date, but the motion has not yet been re-set for hearing.

2. Pursuant to the Scheduling Order, the Parties have until August 28, 2020 to complete discovery and a mediated settlement conference, and until September 25, 2020 to file dispositive motions. No trial date has been set.

3. Resolution of the pending motion to dismiss will assist the parties in clarifying the issues for discovery, for any remaining dispositive motions, and for mediation. Despite diligence of the parties, additional time to complete discovery and mediation is needed, with a corresponding extension to the deadline for submission of dispositive motions.

4. This motion to amend the Scheduling Order is sought in good faith and not for the purposes of delay.

5. This motion is sought prior to the expiration of the subject deadlines and is the first motion requesting extensions of these deadlines.

6. As this matter has not been set for trial, granting this motion will not require continuance of a trial date.

7. The Parties respectfully submit that the above-described circumstances constitute good cause to amend the Scheduling Order to extend

the deadlines to complete discovery and mediation and submit dispositive motions.

For the above-stated reasons, the Parties respectfully request that the Court extend the unexpired deadlines in the Scheduling Order by one hundred (100) days, as reflected in the attached Proposed Order Amending Scheduling Order.

Respectfully submitted, this the 4th day of August, 2020.

/s/ Katherine Barber-Jones

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification to all registered CM/ECF participants.

This the 4th day of August, 2020.

/s/ Katherine M. Barber-Jones

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